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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,002	06/02/2005	Jacques Benquet	05055	3833
23338 7590 08/22/2007 DENNISON, SCHULTZ & MACDONALD 1727 KING STREET SUITE 105 ALEXANDRIA, VA 22314			EXAMINER DESAI, HEMANT	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,002

Applicant(s)

BENQUET, JACQUES

Examiner

Hemant M. Desai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/10/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/7/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11-13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (APA) in view of Abe et al. (5609098).

Since applicants are using Jepson format, the pre-amble of claim 11 (every thing before word "the improvement comprising") is Admitted Prior Art (MPEP 2129). APA discloses all of the claimed limitations except for passing the web between two rollers wherein the space (gap) between the two rollers are less than the thickness of the web. However, Abe et al. teach to pass the web (9, fig. 6) between two rollers (1, 2, fig. 6) wherein the space (gap) between the two rollers is less than the thickness of the web (see col. 3, lines 62-65; col. 4, lines 60-63) to improve the surface quality, such as smoothness and gloss, of paper sheet (see col. 1, lines 7-9). Therefore it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to pass the web prior to forming the cylindrical sleeve in the method of APA between the two rollers wherein the space (gap) between the two rollers is less than the thickness of the web as taught by Abe et al. to improve the surface quality, such as smoothness and gloss, of paper sheet.

Regarding claims 12-13, Abe et al. teach that the thickness of the web is reduced by more than $\frac{1}{2}$ to 1% (see col. 4, lines 60-65).

Regarding claims 18-20, modified APA, as mentioned above, disclose all the claimed limitations, except for the force and temperature ranges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed gap between the rollers and force applied and temperature of the web, since it had been held that the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

4. Claims 14-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over APA and Abe et al. as applied to claim 11 above, and further in view of Brown et al. (5693403).

Modified APA, as mentioned above, discloses all the claimed limitations except for the embossing and calendaring of the web at the same time. However, Brown et al. disclose that it is known in the art to emboss and calendar the web at the same time (see figs. 4-5). It would have been obvious to one having ordinary skill in the art at the

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time the invention was made to provide the rollers of APA with the embossing pattern rollers of Brown et al. in order to emboss and calendar the flexible web.

Regarding claims 21-22, modified APA, as mentioned above, disclose all the claimed limitations, except for the temperature ranges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the claimed gap between the rollers and force applied and temperature of the web, since it had been held that the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Response to Arguments


Applicant's arguments filed 7/10/2007 have been fully considered but they are not persuasive. In response to applicant's argument that the secondary reference (Abe et al.) does not teach the plastic and/or metal web. Note that the primary reference (APA) discloses that the material is plastic and/or metal web. Examiner is relying on the secondary reference to show that it is known in the art to pass the web between the rollers having nip less than the thickness of the material to plastically deform it to enhance the appearance and property of the web. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to pass the web prior to forming the cylindrical sleeve in the method of APA between the two rollers wherein the space (gap) between the two rollers is less than the thickness of the web as taught by Abe et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Hemant M Desai
Primary Examiner
Art Unit 3721

/hd/